

FILED

UNITED STATES COURT OF APPEALS

JUL 06 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CITY OF EMERYVILLE; et al.,

Plaintiffs - Appellees
Cross-Appellants,

HOWARD F. ROBINSON, Jr.; et al.,

Intervenors - Appellees,

v.

THE SHERMAN-WILLIAMS
COMPANY, an Ohio corporation,

Defendant - Appellant
Cross-Appellee.

Nos. 09-15018, 09-15248

D.C. No. 3:99-cv-03719-WHA
Northern District of California,
San Francisco

ORDER

Court records do not reflect that appellant in No. 09-15018 has paid the docketing and filing fees. Within 14 days after the date of this order, appellant shall pay the fees to the district court and provide written proof of having done so to this court. Failure to do so may result in the automatic dismissal of this appeal. 9th Cir. R. 42-1.

Plaintiff's motion for voluntary dismissal of cross-appeal No. 09-15248 is granted. The cross- appeal is dismissed pursuant to Federal Rules of Appellate Procedure 42(b). No. 09-15018 shall remain in effect. The optional reply brief is due within 14 days after service of the answering brief.

A copy of this order sent to the district court shall act as and for the mandate of this court.

For the Court:

MOLLY C. DWYER
Clerk of the Court

Linda K. King
Deputy Clerk
Ninth Cir. R. 27-7/Advisory Note to Rule 27
and Ninth Circuit Rule 27-10